

**National Aeronautics and Space Administration  
Ames Research Center  
Moffett Field, California 94035-0001**

**Justification for Other Than Full and Open Competition**

**Summary Information:**

Initiating Office:	NASA Ames Research Center Protective Services Office (Code JP)
Purchase Request No.:	4200417906
Procurement Title:	Protective Services
Total Estimated Value:	<b>“FOIA Ex.5”</b>
Total Estimated Value:	Period of Performance: January 1, 2012 through March 31, 2012
Statutory Authority:	10 USC 2304(c)(1), <i>Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements</i>

This Justification for Other Than Full and Open Competition (JOFOC) has been prepared in accordance with the requirement of Federal Acquisition Regulation (FAR) 6.303 and NASA FAR Supplement (NFS) 1806.303.

**Detailed Information:**

**A. The nature and/or description of the action being approved. [FAR 6.303-2(b)(2)]**

NASA Ames Research Center (ARC) proposes to negotiate two (2) sole-source contract modifications to the ARC Protective Services Contract No. NNA04CI14T (APSC) with SECTEK, Inc. (SECTEK), on a firm fixed-price basis, to provide critical security and law enforcement services in support of the ARC Protective Services Office. These modifications are required to extend the APSC pending completion of the procurement process for the follow-on contract, which is a consolidation of ARC's fire prevention and protective services requirements. This JOFOC provides for the first contract modification and will cover a performance period of three (3) months making total performance period of the extended contract seven years and ten (10) months (June 1, 2004, through March 31, 2012).

This 3-month extension is authorized by NASA Procurement Information Circular (PIC) 11-08, issued by the Assistant Administrator for Procurement on October 25, 2011. This PIC allows NASA centers to extend existing contracts through March 31, 2012 when, “the follow-on requirements requires compliance with PIC 11-05.” PIC 11-05 discusses the fiscal constraints for severable contracts. Since the follow-on contract for fire prevention and protective services is a severable contract, with the approval of the ARC Procurement Officer, the APSC may be extended until March 31, 2012.

PIC 11-08 also states that extensions beyond March 31, 2012 must be supported by additional rationale and approved under an individual deviation by the Assistant Administrator for Procurement. ARC has requested an individual deviation and will work with NASA

Headquarters to obtain approval to further extend the APSC. A second JOFOC and contract modification (as necessary) will be prepared to allow for the completion of the procurement process for the fire prevention and protective services follow-on contract and the required sixty (60)-day phase in period.

As a result of a NASA Headquarters decision to consolidate the contract for the agency's fire services, security services, emergency management support, export control, protective service training, protective service information assurance and information technology security, NASA entered into the NASA Protective Services Contract (NPSC) with Coastal International Security Inc. ARC expected to obtain support for critical security and law enforcement services through the NPSC upon the expiration of the APSC. The NPSC, however, was subsequently terminated for convenience after a series of protests. The NASA Associate Administrator for the Mission Support Directorate issued a letter (dated September 15, 2010) to advise the centers of this decision. The letter stated NASA Headquarters' intent to provide the centers with the authority to extend the current protective services contracts until individual center follow-on contracts can be put into place. It also stated that the NASA Headquarters Office of Protective Services and Office of Procurement will take an active role in the acquisition planning as the centers proceeded with the individual follow-on contracts.

This change in acquisition strategy required extensive coordination and discussion between the ARC and Headquarters Protective Services and Procurement Offices regarding market research, procurement strategy, review and approval of the Statement of Work (SOW) and all procurement actions. There were delays in the coordination of teleconferences between ARC and NASA Headquarters due to the availability of personnel. Additionally, due to an increased procurement workload the ARC Contracting Specialist (CS) was replaced and the new CS required additional time to become familiar with the procurement requirements. After a series of delays, ARC's procurement strategy and SOW have been finalized and ARC will require adequate time to complete the procurement process for the fire prevention and protective services follow-on contract.

**B. A description of the supplies or services required to meet the agency's needs (including the estimated value). [FAR 6.303-2(b)(3)]**

Extension of the APSC is required to continue the existing, critical comprehensive security and law enforcement services in support of ARC's Protective Services Office. Major areas of work include security (security and law enforcement officers), personnel security, emergency response, risk assessment, vulnerability analyses, innovative and strategic recommendations for security enhancements and upgrades, international visitor requests, infrastructure security and badging operations, counterintelligence services and associated record-keeping functions. Additional services include staffing a 24/7 security operation daily and providing increased security during emergency or disaster periods. These services are critical to the day-to-day operation of ARC and cannot be allowed to lapse.

The estimated value of the services for this 3-month contract extension is, "**FOIA Ex.5**" based on the attached Government's Independent Cost Estimate. The Independent Cost Estimate was developed based on historical fixed cost and pricing data, as well as a technical review of the continuing data element requirements occurring during the extended performance period. The APSC includes Collective Bargaining Agreements between SECTEK, Inc., and United States Government Security Officers of America (UGSOA) Local 403 (effective

September 1, 2010, through February 28, 2012) and SECTEK, Inc., and Northern California Carpenters Regional Council, Carpenters Forty-Six Counties Conference Board and their Affiliated Local Unions (effective November 1, 2010, through October 31, 2012).

The procurement process for the follow-on contract has been initiated concurrent with this 3-month extension. The current milestone plan for evaluation and award of the combined fire prevention/protective services contract anticipates contract award in the early part of August, 2012. The 3-month extension, together with the anticipated authority to further extend the performance period for an additional six (6)-month period will allow for the completion of the procurement process for the follow-on contract, any potential protest, and a 60-day phase in. Because the combined fire prevention/protective services contract is a severable contract utilizing annual Cross Agency Support (CAS) appropriations, the base performance period of the follow-on contract will likely begin on October 1, 2012, the beginning of the Government fiscal year.

**C. An identification of the statutory authority permitting other than full and open competition.** [FAR 6.303-2(b)(4)]

The statutory authority is 10 U.S.C. 2304(c)(1); *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*.

**D. A demonstration of the proposed contractor's unique qualification or the nature of the acquisition requires use of the authority cited.** [FAR 6.303-2(b)(5)]

In accordance with FAR 6.302-1(a)(2), when services required by NASA are available from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for. Such services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in unacceptable delays in fulfilling the agency's requirements (FAR 6.302-1(a)(2)(iii)(B)).

A 3-month extension to the APSC is a "follow on" necessary to provide comprehensive security and law enforcement services in support of NASA's missions and for the safety and security of ARC personnel and facilities. SECTEK is highly qualified to continue performance of this contract at NASA ARC through March 31, 2012. Technical contract staff members have obtained specialized qualifications, credentials, training and instruction necessary to provide security and law enforcement services at ARC including NASA- specific training available through the NASA Protective Services Academy. Over the course of the term of its contract, SECTEK has acquired expert knowledge of ARC facilities and programs to support safety and security operations at ARC. SECTEK is familiar with NASA and ARC security, law enforcement and center protection policies and maintains a Top Secret Facility Clearance.

ARC is unable to compete the requirement for the 3-month extension at this time and requires that SECTEK continue to provide security and law enforcement services for ARC. Extending the APSC is necessary to avoid disruption to security operations, pending completion of the competitive follow-on action. Award to another source at this time would disrupt security operations at ARC and would result in unacceptable delays in fulfilling the Government's requirements. A gap in the provision of security and law enforcement services or a delay in response to a security or safety related incident at ARC could result in personnel injury and/or destruction of facilities.

**E. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by [FAR Subpart 5.2](#) and, if not, which exception under [5.202](#) applies. [FAR 6.303-2(b)(6)]**

A synopsis was posted on the NASA Acquisition Internet Services (NAIS) and the “FedBizOpps” Federal Business Opportunities Portal on November 02, 2011 for seven calendar days to inform the public of NASA’s intent to extend the APSC with SECTEK, for a potential 3-month period. The response date to the synopsis was December 9, 2011. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer.

No capability and qualification statements were received in response to the synopsis.

**F. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. [FAR 6.303-2(b)(7)]**

The Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable (see certification on page 7). Prior to this extension to the APSC, a proposal analysis will be performed in accordance with FAR 15.404. The proposal analysis will ensure that the final agreed-to price for the extension is fair and reasonable. Analysis will include cost and price evaluation techniques. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to the conduct of negotiations.

**G. Description of the market research conducted and the results or a statement of the reason market research was not conducted. [FAR 6.303-2(b)(8)]**

A synopsis was posted on the NASA Acquisition Internet Service (NAIS) and the “FedBizOpps” Federal Business Opportunities Portal to determine whether other companies were interested in and capable of providing these services for a 3-month period. (See section E.)

The synopsis requested capabilities/qualifications statements from interested parties; no such statements were received before the prescribed deadline.

**H. Any other facts supporting the use of other than full and open competition. [FAR 6.303-2(b)(9)]**

SECTEK is highly qualified to continue performance of the APSC at ARC through March 31, 2011 pending award of the follow-on combined protective and fire prevention services contract. Overall contract performance—in terms of safety, milestones, scheduled metrics and deliverables—is well-organized, prioritized and safely completed on time and within budget. SECTEK has maintained a very good/excellent performance rating during the current term of the APSC.

**I. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition. [FAR 6.303-2(b)(10)]**

No other source has expressed an interest in providing protective services to ARC for a 3-month performance period.

**J. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. [FAR 6.303-2(b)(11)]**

The current proposed contract modification for a 3-month extension and a subsequent 6-month extension, are required to obtain security and law enforcement services pending completion of the follow-on procurement. The follow-on procurement will be competed consistent with procurement policies and regulations. Therefore, there are no actions the agency needs to take to remove or overcome any "barriers to competition" before services can commence after award of the follow-on contract.

For the foregoing reasons, SECTEK is the only responsible source to support the requirement for essential security and law enforcement services at ARC through March 31, 2012.

In accordance with PIC 11-08, the Procurement Officer approves this extension as described above and in accordance with this JOFOC.

Justification for Other than Full and Open Competition

PR No. 4200417906

**Requirement Initiator:**  
Ken Silverman  
Contracting Officer's  
Technical Representative

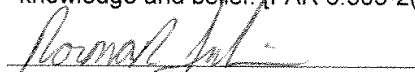
I certify that the facts presented in this justification are accurate and complete.

  
Signature

12/21/2011  
Date

**Contracting Officer:**  
Norman Julien


I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief. [FAR 6.303-2(a)(12)]

  
Signature

12/21/2011  
Date

**CONCURRENCE:**

**Directorate Manager:**  
Robert J. Dolci  
(Acting) Director of Center  
Operations

  
Signature

12/21/11  
Date

**Procurement Officer**  
Kelly G. Kaplan

  
Signature

12/21/11  
Date

**APPROVAL:**

**Center Competition  
Advocate:**  
Deborah L. Feng  
(Acting) ARC Deputy Center  
Director

  
Signature

12/21/11  
Date

cc (after approval):  
JAB/241-1